

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11322 of 2025

Arising Out of PS. Case No.-355 Year-2024 Thana- KHIJARSARAI District- Gaya

Mukesh Yadav @ Mukesh Kumar Son of Sakal Dev Yadav @ Sakal Village-
Totwa Bigha P.S. -Vishunganj District -Jehanbad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-03-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Khizersarai Police Station Case No. 355 of 2024, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, as per the First Information Report, is that on 29.11.2024, the police got the confidential information that two persons were selling illicit liquor, proceeded towards the place of occurrence and upon seeing the police party, they started fleeing away, however, one person was arrested, namely, Ajay Chaudhary and the petitioner succeeded in fleeing away after leaving the motorcycle. On search, 10 litres of illicit liquor has been recovered from the arrested



accused person Ajay Chaudhary who disclosed the name of the petitioner who succeeded in fleeing away. The police recovered 05 litres of liquor from the dickey of the motorcycle.

4. Learned Counsel for the petitioner submits that the petitioner is having no criminal antecedent and he has falsely been implicated in this case on the disclosure of his name by the co-accused Ajay Chaudhary who had borrowed the motorcycle from the petitioner for some urgent work. Petitioner was not aware that his motorcycle was being used for the purpose of carrying illicit liquor.

5. Regards being had to the submissions made by the parties taking into consideration the justification given by the petitioner and the fact that petitioner is having no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge No. 2, Gaya, in connection with Khizersarai Police Station Case No. 355 of



2024, subject to the condition laid down under Section 482 (2)
of the B.N.S.S.

(Anil Kumar Sinha, J)

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